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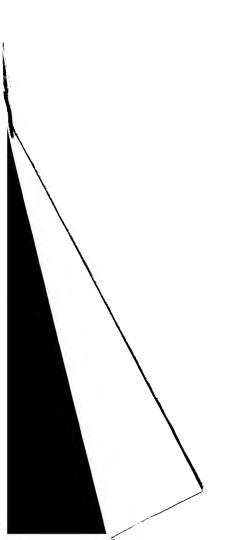


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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|---|---|-------------------------|-------------------------|------------------|--|
| 09/682,685 | 10/05/2001 | Tin-Su Pan GEMS8081.099 | | 8976 | |
| 27061 7 | 7590 11/06/2003 | EXAMINER | | | |
| ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (GEMS) | | | PASS, BARRY | | |
| • | 35 NORTH CEDARBURG ROAD QUON, WI 53097 | | ART UNIT | PAPER NUMBER | |
| , | | | 3737 | 10 | |
| | | | DATE MAILED: 11/06/2003 | . 15 | |

Please find below and/or attached an Office communication concerning this application or proceeding.



| | Application No. | Applicant(s) | | | |
|--|---|--|--|--|--|
| Addison Astion | 09/682,685 | FOO, K. F. ET AL | | | |
| Advisory Action | Examiner | Art Unit | | | |
| | Barry Pass | 3737 | | | |
| The MAILING DATE of this communication appo | <u> </u> | <u> </u> | | | |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 05 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a sinal rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY [check either a) or b)] The period for reply expires 3 months from the mailing date of the final rejection. | | | | | |
| b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee | | | | | |
| have been filed is the date for purposes of determining the period of extens of CFR 1.17(a) is calculated from: (1) the expiration date of the shortened b) above, if checked. Any reply received by the Office later than three most patent term adjustment. See 37 CFR 1.704(b). | I statutory period for reply originally set in onths after the mailing date of the final rej | the final Office action; or (2) as set forth in ection, even if timely filed, may reduce any | | | |
| 1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. | | | | | |
| The proposed amendment(s) will not be entered b | ecause: | | | | |
| (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below); | | | | | |
| (b) ☐ they raise the issue of new matter (see Note below); | | | | | |
| (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or | | | | | |
| (d) they present additional claims without cancel NOTE: | ling a corresponding number of | finally rejected claims. | | | |
| 3. Applicant's reply has overcome the following rejection | ction(s): | | | | |
| Newly proposed or amended claim(s) would canceling the non-allowable claim(s). | l be allowable if submitted in a s | separate, timely filed amendment | | | |
| 5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u> 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly | | | | | |
| raised by the Examiner in the final rejection. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. | | | | | |
| The status of the claim(s) is (or will be) as follows: | | | | | |
| Claim(s) allowed: | • | | | | |
| Claim(s) objected to: | | | | | |
| Claim(s) rejected: | | | | | |
| Claim(s) withdrawn from consideration: | | | | | |
| B. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. | | | | | |
| D. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) | | | | | |
| 10. Other: | | <u> </u> | | | |
| | - 7 | TIN | | | |
| | | ENNIS W. RUHL DRY PATENT EXAMINER | | | |

Continuation of 5. the response (a request for reconsideration) to the final rejection does NOT place the application in condition for allowance because: The applicant's arguments have not overcome the rejections under 35 USC 101. Claim 10 claims a program that is capable of being run on a compute, it is not a process claim as stated in the applicant's remarks. In addition, the terminal disclaimers are improper because the person who signed the terminal disclaimer has failed to state his/her capacity to sign for the business entiry and is not recognized as an officer of the assignee.